IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.13 OF 2007
IN
NOTICE OF MOTION NO.1305 OF 2006
IN
L.C.SUIT NO.1622 OF 2006
WITH
CIVIL APPLICATION NO.21 OF 2007

Shri Ulhas Shankar Thakur ...Appellant

Versus

The Municipal Corporation of Gr.Bombay ...Respondent

.....

Mr.Ajay Mishra for Appellant.

Mrs.Geeta Joglekar for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 18, 2007.

P.C.

1. After having considered the oral submissions advanced by the Counsel appearing for the parties, as the Notice of Motion is still pending before the Trial Court for hearing, it is thought appropriate to dispose of this Appeal by relegating the parties before the Trial Court with direction to the Trial Court to dispose of the Notice of Motion expeditiously preferably by 23rd

February 2007.

2. The parties shall appear before the Trial Court on 29th January 2007 at 2.30 p.m. on which date, the Respondent/Defendant would file reply affidavit. If advance copy is served on the Appellant/Plaintiff, it will be open to the Appellant to file rejoinder before 29th itself, so that, the Trial Court can proceed with the hearing of the Notice of Motion forthwith or on such other date as may be convenient to it.

3. The parties shall maintain status-quo with regard to the suit property as of today.

4. Photographs produced by the Counsel for the Appellant/Plaintiff is taken on record to be forwarded to the Trial Court so that the same can be taken into account, if any grievance is made regarding further alteration of the premises by the Appellant. This exercise is essential as according to the Corporation, the suit structure was completely demolished in 2001 but has been re-erected, which has once again been partly

demolished to the extent as seen from the photographs which are taken on record as referred earlier. All questions are left open to be considered on their own merits.

5. Appeal and the companion Civil Application stand disposed of accordingly.

A.M.KHANWILKAR, J.